REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 12-25 and 30-31 are pending in this application, Claims 12, 21, 30 and 31 having been currently amended; and Claim 29 having been canceled without prejudice or disclaimer. Support for amended Claims 12, 21, 30 and 31 can be found, for example, in original claims, drawings, and specification as originally filed.[1] No new matter has been added.

In the outstanding Office Action, Claims 12-25 and 29-31 were rejected under 35 U.S.C. § 101; Claims 12-25, 29, and 31 were rejected under 35 U.S.C. § 103(a) as unpatentable over Larsson et. al. (U.S. Patent Publication No. 2004/0133289; hereinafter "Larsson"); and Claim 30 was rejected under 35 U.S.C. § 103(a) as unpatentable over Larsson in view of Breed (U.S. Patent Publication No. 2008/0216567).

Applicant acknowledges with appreciation the courtesy of Examiner Bhat for granting an interview in this case with Applicant's representative on April 21, 2009, during which time the issues in the outstanding Office Action were discussed as substantially summarized hereinafter and also on the Interview Summary Sheet. No agreement was reached during the interview pending a formal response to the outstanding Office Action.

In regard to the rejection of Claims 12-25 and 29-31 under 35 U.S.C. § 101, Applicant has amended independent Claim 12 to be directed towards a method, implemented by a diagnostic device, for diagnosing functional faults of a functional architecture. Thus, Applicant respectfully submits that amended independent Claim 12 (and all claims dependening thereon) recites a method that is tied to a particular machine or apparatus, and is thus statutory under 35 U.S.C. § 101 in light of the recent Federal Circuit case *In re Bilski.*

[1] See page 1, lines 9-16 and page 8, lines 16-26 of the specification.

In regard to the rejection of Claim 21 under 35 U.S.C. § 101, Claim 21 recites a computer-readable memory, a program executable by a computer being recorded in the memory for diagnosis of functional faults of a functional architecture including functions for performing a service in a motorized vehicle. MPEP 2106 IV.B.1(a) states that:

> A claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory.

In view of the foregoing comments, Applicant respectfully submits that Claim 21 defines statutory subject matter.

Accordingly, Applicant respectfully requests that the rejection of Claims 12-25 and 29-31 under 35 U.S.C. § 101 be withdrawn.

In response to the rejection of Claims 12-25, 29, and 31 under 35 U.S.C. § 103(a) over Larsson, Applicant respectfully submits that amended independent Claim 12 recites novel features clearly not taught or rendered obvious by the applied reference.

Amended independent Claim 12 is directed to a method for diagnosing functional faults of a functional architecture including functions for performing a service in a motorized vehicle, the method including, *inter alia*:

> ...mapping, by said diagnostic device, said functions onto a hardware architecture composed of hardware components;
>
> measuring, by said diagnostic device, a property of said motorized vehicle with at least one of said sensors so as to obtain raw data;
>
> creating a first list of particular values based on said raw data and corresponding to functional faults of the sensors and actuators of said motorized vehicle;
>
> creating a second list of particular values corresponding to functional states for said hardware components relative to a propagation of signals through said hardware architecture thereby indicating a state of propagation of information relating

to said functional faults of said sensors and actuators across the functional architecture;

formulating a functional diagnosis of the service based on the first and second lists of particular values; and

recording the particular values and their propagation on a memory device.

Independent Claim 21 recites substantially similar features as independent Claim 12. Thus, the arguments presented below with respect to independent Claim 12 are also applicable to independent Claim 21.

As discussed during the interview, Larsson describes a method for diagnosing a flow system, but fails to teach or suggest a method for diagnosing functional faults of a functional architecture including functions for performing service in a motorized vehicle. Thus Larsson also fails to teach or suggest "measuring, by said diagnostic device, a property of said motorized vehicle with at least one of said sensors so as to obtain raw data" and "creating a first list of particular values based on said raw data and corresponding to functional faults of the sensors and actuators of said motorized vehicle," as recited in Applicant's amended independent Claim 12.

Thus, Applicant respectfully submits that amended independent Claims 12 and 21 (and all claims depending thereon) patentably distinguish over Larsson.

In response to the rejection of Claim 30 under 35 U.S.C. § 103(a) as unpatentable over Larsson in view of Breed, Applicant notes that Claim 30 is dependent on Claim 12 and is thus believed to be patentable for at least the reasons discussed above. Further, Applicant respectfully submits that Breed fails to cure any of the above-noted deficiencies of Larsson.

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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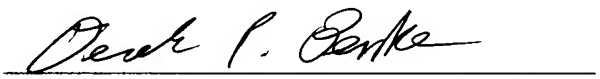

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